

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OXNARD SCHOOL DISTRICT.

OAH CASE NO. 2014030506

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
MEDIATION, PREHEARING  
CONFERENCE AND DUE PROCESS  
HEARING; GRANTING DISTRICT'S  
MOTION TO CONSOLIDATE  
MEDIATIONS, ONLY, IN STUDENT'S  
AND SIBLING'S CASE

On March 13, 2014, Student filed a request for due process hearing and mediation (complaint) naming Oxnard School District. On April 11, 2014, Student's advocate on Parent's behalf filed a request to continue all dates in this matter on the ground that Parent had a medical reason for not being available for hearing as scheduled. The motion was accompanied by a doctor's note. The motion was filed concurrently with a similar request in Student's Sibling's due process matter, Office of Administrative Hearings case number 2014030193 (Sibling's Case). On April 16, 2014, District filed a response to Student's motion and also moved to consolidate the mediations in Student's Case and Sibling's Case. District's motion was silent as to the request for continuance of the hearing dates in Student's case. District sought a mediation date during the time frame in which Parent was unavailable, and contended that the mediation could take place between District and Parent's advocate. Student did not oppose the motion to consolidate the mediations.

APPLICABLE LAW

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a

party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

### DISCUSSION AND ORDER

OAH has reviewed Student's request for a continuance of Student's case for good cause and considered all relevant facts and circumstances. District did not oppose the request for continuance, instead only asking for a mediation date that fell within the time frame that Parent was unavailable. Student's request for a continuance is granted.

District's request to consolidate the mediations in Student's case and Sibling's case was unopposed and reasonable based upon the facts and circumstances and will be granted. However, the date for the consolidated mediations will be set for a time when Parent is available to participate in the mediation.

This matter will be set as follows:

Mediation: June 18, 2014 at 9:30 AM (concurrent with OAH Case No. 2014030193)

Prehearing Conference: July 25, 2014 at 10:00 AM

Due Process Hearing: August 5, 2014 at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: April 18, 2014

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings